



CITY OF KINGSTON, NEW YORK

REQUEST FOR QUALIFICATIONS

**RE-DEVELOPMENT OF EXISTING
UPTOWN PARKING SITES**

**James M. Sottile, Mayor
August 1, 2008**

REQUEST FOR QUALIFICATIONS

Adaptive Re-Use for City of Kingston Uptown Stockade District Mixed Use Development Sites

August 1, 2008

1. INTRODUCTION

The City of Kingston, New York through the Kingston Local Development Corporation hereinafter referred to as (the "City") is seeking responses from qualified developers to design, construct and operate a mixed use development on land owned currently by the City of Kingston, but to be transferred to the Kingston Local Development Corporation for the purpose of this solicitation. The two parcels included in this Request for Qualifications ("RFQ"), hereinafter referred to as (the "Site") constitute 2.11 total acres and are defined as follows: Site A, the former site of the Uptown Municipal Parking Garage is 1.40 acres and is located at 21 North Front Street, Kingston, New York SBL 48.80-1-26; Parcel B, known as the Parent Teacher Store Parking Lot is 0.71 acres and is located at 77 North Front Street, Kingston, New York SBL 48.314-2-16. Online information is available at <http://www.oarsystem.com/ny/kingston/main.asp> by searching SBL. The City is interested in a mix of housing units, appropriate commercial and retail space and public parking. It is further noted that the City is incorporating Parcel B as an opportunity to further develop the uptown business district in a positive economic stimulus and community benefit.

Information regarding the City of Kingston, its' departments, Laws and Codes can be obtained from the City's web site <http://www.kingston-ny.gov>. Respondents are encouraged to review this information.

Section X of this RFQ contains an outline of important meeting dates and deadlines.

The successful respondent to the RFQ will negotiate the terms and conditions of the sale of these parcels the terms of which will be contained in a Land Disposition Agreement ("LDA") negotiated by and between the Developer and the City.

II DEVELOPMENT CONCEPT

The City is seeking a highly qualified developer to construct a signature mixed-use project which will enhance and complement the current structures and use patterns existent in the neighborhood. The overall vision for this site is a vertically integrated and vibrant urban project which creates a sense of place sufficient to knit the proposed project with the surrounding historic district and nearby historic properties. The City seeks responses which will enhance the Uptown Business District's viability through the expansion of housing and commercial/retail opportunities.

Contemplated uses can include, but are not limited to, a mix of residential, hotel, retail and office space, as well as public parking.

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III. DEVELOPMENT OBJECTIVES

The City seeks to achieve the following objectives through this RFQ:

1. Clearly demonstrate that the City will receive public benefits that are commensurate with the value of the real estate being offered including any purchase price offered as part of the proposal.
2. Secure major private sector investment in the construction of a high-quality urban scale mixed-use development.
3. Maximize the level of public benefits to be generated by the proposed development including real estate taxes, job opportunities and public parking.
4. Obtain a project that achieves the highest level of quality in terms of urban and architectural design, while being careful to respect the historic fabric of the National Register Historic District.
5. Obtain a highly-visible development that respects central business district revitalization and smart growth principals.
6. Secure a development which integrates components, operational aspects, designs and site layouts with surrounding land use redevelopment plans.
7. Secure a financially feasible development which is market-driven and minimizes the amount of public subsidy.
8. Facilitate and continue the revitalization of Kingston's Historic Uptown Stockade Area.
9. Incorporates green building technologies.
10. Provide to the City a Plan for a Betterment District that will compensate the City for costs incurred as part of the LDA.

IV. DEVELOPMENT GUIDELINES

1. The City is the fee title holder of both parcels. The City recently demolished a 317 car parking structure located on the 21 North Front Street lot. Both sites are currently paved surface parking lots.
2. The City intends to transfer the lots to the Kingston Local Development Corporation ("KLDC"). The Advisory Committee will jointly evaluate the proposals.
3. The successful respondent will enter into an LDA with the KLDC.
4. The City seeks a development which embraces mixed-use concepts as part of its design.
5. The proposal should include at least 250 public parking spaces, or propose alternatives to developing public parking as part of the proposed buildings. An agency of the City will play a role in financing the public parking and maintain said parking. The selected developer can provide rationale to adjust the public parking requirements as specified in the RFQ.
6. The proposal should not include any street level residential units.
7. State Historic Preservation Office approval of the design will be required.
8. Green building technologies are encouraged.

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V. SUBMISSION REQUIREMENTS

All respondents to this RFQ are required to submit detailed information as set forth below. Responses that do not materially conform to this outline will not be considered. Additional material and information, as deemed appropriate by the respondent may be included in the submission package.

All materials submitted in response to this RFQ become the property of the City of Kingston.

A. Formal Letter of Interest by Principal Developer

Letter should be addressed to:

Mr. Michael Murphy, Director
Kingston Local Development Corporation
City of Kingston
City Hall
Kingston, New York 12401
(845) 334- 3924 t
(845) 334- 3958 f
mmurphy@ci.kingston.ny.us

A courtesy copy to:

Ms. Suzanne Cahill, City Planner
Office of Planning
City of Kingston
City Hall
Kingston, New York 14201
(845) 334-3955 t
(845) 334-3958 f
scahill@ci.kingston.ny.us

B. Conceptual Plan

Provide a conceptual development plan for the RFQ which is consistent with the Development Concept, Development Objectives and Development Guidelines outlined within this RFQ. Also, provide an accompanying narrative that will enable the City to sufficiently understand the respondent's submission and conformity with the RFQ criteria. Respondents may, but are not required to, submit conceptual drawings illustrating preliminary proposals for site uses and building placement. The plan and the narrative should include preliminary indications of approximate square footages for each proposed use. In addition, the response should include information concerning project quality, features and amenities. Each respondent will include an outline development budget and a preliminary operating pro-forma based on their project concept and their understanding of the Kingston market.

C. Experience and Qualifications of the Developer/Development Team

Provide a full description of the principal developer and (its related development entities and subsidiaries) along with all team members, including all principals and persons who have or will have either a direct, or indirect financial interest in the development project. Descriptions of the development entity must include, at a minimum, the types of development undertaken by the entity, description of its geographic market focus, length of time in business, description of the principals and key personnel who are most likely to work on the project, description of all persons who have, or will have, a financial interest in the project and identification and resumes of key personnel of any proposed team member.

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All submissions must:

- Identify the development entity's name, street address, mailing address, phone number, fax, e-mail address and web page. Specify the legal form of the organization (e.g. corporation, partnership, LLC, Joint Venture, other).
- Describe the development entity including the number of years in business.
- Identify the person(s) with the authority to represent and make legally binding commitments for the principal development entity.
- List all officers, partners, owners, shareholders and members of the development entity by name, title, percentage of ownership and list addresses, telephone numbers and e-mail addresses.
- Provide biographical summaries of company officers and/or principals/owners.
- Identify all members of the proposed development team that are likely to be engaged in a project in Kingston including engineering, architectural, construction, property management, marketing agent, geotechnical, environmental, legal, financial, public relations, and other consultants. Indicate the role of each in implementing the development and managing the completed project.
- Describe the structure of the development team submitting responses to this RFQ.
- Provide a statement of adequate financial resources. List Business Financial Statements for last three years; a balance of sheet and reconciliation of Net Worth, Profit and Loss Statement (Income Statement).
- List name, address, telephone, e-mail, percent of ownership, personal net worth and annual compensation of all owners (having 20% or greater interest), officers, directors and/or partners
- Actual project start and completion dates.

D. Relevant Development Experience

Provide a list of similar projects which the developer/developer team has completed. This description must be in a narrative form that is clear and comprehensive. Brochures and collateral material can be included as appropriate, but should not substitute for a narrative description. All respondents must provide examples of a minimum of three completed development projects with project budgets in excess of \$25 million.

Information presented about these projects should include:

- Name and location of the project.
- Name, address and telephone number of three references who can be contacted concerning the project, as well as municipal officials involved in the approval and oversight of the project.
- Type of facilities included in the project.
- Total square footage of the project and its component parts.
- Total project costs.
- Sources and Uses statement.

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- Photographs of the exteriors and interiors of the completed projects sufficient to determine the quality of the overall project design and architectural detail.
- List of litigation, if any.
- Original budget and timeline for completion and final budget and timeline for completion.

In addition to the above, respondents should also provide as much of the information delineated below as possible pertaining to the three completed projects referenced above:

- Evidence of the developer's experience and/or capacity to implement mixed-use projects containing market rate housing and retail/commercial uses.
- Number of all types of housing units developed.
- Size, pricing and distribution (e.g. studio, one-bedroom etc.) of housing units developed.
- Actual project start and completion dates.
- Number of phases of the project.
- Total duration of all phases.
- Construction type.
- Site and environmental conditions.
- Developer's project team and contact information for all members of the project team.
- Sources and Uses of funds.
- Variance from original project budget.
- References for sources of debt and equity financing.
- Description of leasing activity, current tenants, time necessary to achieve 90% lease-up.
- A description of the total square footage developed.
- A description of the total square footage it currently manages.

E. Financial Capacity

All respondents must provide evidence of the ability to obtain financing for major real estate projects. Please provide information regarding the financial condition of your firm along with bank and credit references.

Documentation under this section may be submitted under a separate cover to ensure confidentiality. If you choose to submit this information separately, please note it clearly in the appropriate section of the RFQ submission.

- Financial Statements of the parent company of the principal developer, whether publicly traded or privately held for the last three fiscal years. Publicly traded companies should submit the latest annual report and form 10K. Financial statements should be complete and include a balance sheet, profit and loss statement, statement of cash flow and notes to the statements. Audited statements are preferred.

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- Dun & Bradstreet report or Federal ID number of the parent company of the principal developer, whether publicly traded or privately held.
- Narrative describing any current or outstanding litigation pending against the team or any of its members, as well as any litigation brought by or against any individual involved with the project, during the last five years.
- List of prior debts involving monetary defaults, bankruptcies or foreclosures.

VI. SELECTION PROCESS AND CRITERIA

All responses will be reviewed and evaluated by a selection committee comprised of members of the Uptown Parking Advisory Committee and the Board of Kingston Local Development Corporation. Responses will be reviewed and evaluated based upon information contained in the respective submission packages and responsiveness to the submission criteria delineated below.

The selection committee will evaluate the submissions beginning after the posted submission date.

Upon review of the submissions, the City reserves the right to:

1. Take no further action.
2. Select a short list of developers
3. Select a developer based upon the quality of their submission.

Selection Criteria

The factors to be considered in the selection process include but are not limited to:

1. Project impact and feasibility
2. Development team qualifications, capabilities and prior experience.
3. Attractiveness of the proposed conceptual plan and its ability to facilitate the RFQ's Development Concept, Development Objectives and Development Guidelines.
4. Financial strength of the developer/developer team.
5. Potential candidates will be required to further develop their respective concept in greater detail, in order that the decision makers and public presentation provide an adequate level of information for constructive review and consideration.

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VII. Submission Requirements

Interested applicants must submit one original and ten (10) copies of their response to:

Mr. Michael Murphy, Director
Kingston Local Development Corporation
City of Kingston
City Hall
Kingston, New York 12401

Responses must be received no later than 4:00 pm September 16, 2008. No response will be accepted after the due date and time.

Applicants mailing their responses must allow for sufficient delivery time to arrive by the due date and time.

Faxed or e-mailed submissions will not be accepted.

Applicants are solely responsible for ensuring that their responses arrive by the due date and time.

All submissions must include a cover letter signed by a duly authorized member of the prime development entity. The individual must be one of the persons identified in Section VI. C. of this RFQ as having the authority to represent and make legally binding commitments for the entity.

VIII. INQUIRIES

Mr. Michael Murphy, Director
Kingston Local Development Corporation
City Hall – 420 Broadway
Kingston, NY 12401
(845) 334-3924
mmurphy@ci.kingston.ny.us

Suzanne Cahill, City Planner
Office of Planning
City Hall – 420 Broadway
Kingston, New York 12401
(845) 334-3955
scahill@ci.kingston.ny.us

Each question must cite the particular page and number, section, and paragraph to which it refers. Copies of all questions and answers will be sent to all respondents that have registered to receive the RFQ. Only responses from the City of Kingston in writing will be considered official.

Respondents are advised that the City of Kingston cannot ensure a response to inquiries received later than ten days prior to the due date.

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IX. SCHEDULE OF PERTINENT DATES

Milestone	Date	Time	Location
Issue RFQ	August 1, 2008	9:00 am	City Hall
Developers Conference	August 12, 2008	1:00 pm	21 North Front Street
RFQ Due Date	September 16, 2008	4:00 pm	Office of KLDC (aka Office of Community Development), City Hall
Review RFQ Submissions	Sept. 16-October 3, 2008	N/A	City Hall
Interview Short List RFQ Respondents	October 6-10, 2008	TBD	City Hall
Select Finalists	October 17, 2008	TBD	City Hall
Public Presentation Of Finalists	October 20-24, 2008	TBD	City Hall
Selection of Preferred Developer	November 20, 2008	1:00 pm	City Hall
Signed Memorandum of Understanding (MOU)	30 days after Selection	TBD	City Hall
Land Disposition Agreement	120 days after MOU	TBD	City Hall

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X. DEVELOPERS' CONFERENCE

A developers' conference will be held on August 12, 2008 to answer questions from interested applicants concerning the RFQ. Representatives from the City will be available on site to answer questions. The conference will begin at 1:00 pm at 21 North Front Street, Kingston, NY 12401. Respondents wishing to attend the conference should notify either Michael Murphy or Suzanne Cahill.

XI. DEFINITIONS

Respondent: The term "respondent" means any firm or individual submitting a response for the development of the real estate listed in this RFQ.

Response: The term "response" means the material submitted by a "respondent" in reply to this Request for Qualifications.

Property: The term "property" means the real estate hereinafter defined.

Real Estate: The term "real estate" means the real property delineated in section I. of this RFQ.

XII. TERMS AND CONDITIONS

Instructions to Respondents: All submissions must be in accordance with this Request for Qualifications.

RFQ Information: The information set forth in this RFQ concerning the real estate and its condition, size status, legal requirements and other matters is believed to be accurate but is not so warranted. The City of Kingston and its officers, employees, representatives, agents and consultants make no representation express or implied as to the physical condition of the real estate, status of the title thereto, its suitability for any use, the absence of hazardous and toxic materials, or any other matter. The City makes no representations as to the accuracy of any statements made herein regarding any environmental conditions of the real estate and any information provided with regard to the environment is not to be relied upon and should be independently verified. All measurements are approximate.

The information provided for respondents is for informational purposes only, and may not be relied upon and does not constitute a representation or warranty by the City of Kingston, its representatives, employees, officers, agents, or consultants that the information contained therein is accurate or complete, and no legal commitment, obligation or liability of the City of Kingston or its representatives, employees, officers, agents or consultants shall arise by use of, or the information relating to any of these materials.

As is Condition & Disclaimers: The real estate will be conveyed "as is" with all faults. The City of Kingston makes no representations or warranties regarding the real estate and the property whatsoever, including without limitation whether the property is in compliance with applicable zoning use and other similar regulations, laws and codes (including without limitation building codes and Americans with Disabilities Act), and respondents are not to rely upon any

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representations or warranties of any kind whatsoever, express or implied, from the City of Kingston, its representatives, employees, officers, agents or consultants.

Revisions, Interpretations or Corrections: Revisions, interpretations or corrections of specifications made by the City of Kingston shall be by addendum issued before the date set forth for the submission of responses to this RFQ. Interpretations, corrections or changes made in any other manner will not be binding, and respondents shall not rely upon such revisions, interpretations, corrections or changes.

Conflict of Interest: The City of Kingston's employees and the immediate family of City of Kingston employees are not permitted to submit a response to this RFQ. Furthermore, no official or employee of the City of Kingston shall have any personal interest, direct or indirect, in this transaction, nor shall any such elected or appointed official, department head, agent or employee having such an interest participate in any decision, meeting, evaluation or exert any opinion or influence relating to this transaction that affects his or her personal interests or the interests of any person or entity in which he or she is directly or indirectly, interested.

Kingston Local Development Corporation: The City, pursuant to the City of Kingston Common Council approval, will deed its fee simple interest in the City-owned parcels to the Kingston Local Development Corporation for conveyance to the designated developer.

Zoning and Permitting: The City of Kingston does not warrant that the real estate is suitable for any, particular use. Verification of the present zoning and determination of permitted uses, along with compliance of the property for present or proposed future use, shall be the responsibility of the respondent. The City of Kingston does not guarantee that any zoning information is necessarily accurate or will remain unchanged. Any inaccuracies or changes in zoning information shall not be cause for adjournment or rescission of any contract resulting from this RFQ. Finally, respondent assumes the entire responsibility of complying with any government requirements and procedures related to intended use, including, but not limited to, licenses, zoning, permitting, habitation restrictions, historic preservation requirements, etc..

RFQ Award Acceptance: The City of Kingston reserves the right at all times to accept or reject in their sole discretion, any or all responses and to waive any defects or technicalities or advertise for new RFQ responses where the acceptance, rejection, waiving or advertising of such would be in the best interest of the City of Kingston. The RFQ process may be terminated or modified without notice at any time.

Notice of Acceptance or Rejection: Notice, by the City of Kingston through the Kingston Local Development Corporation regarding either acceptance, or rejection of a response to this RFQ shall be deemed to have been sufficiently given when mailed to the respondent, or his or her duly authorized representative, at the address indicated in the cover letter accompanying respondent's submission of a response to this RFQ.

Not responsible for Costs Incurred: The City of Kingston and/or the Kingston Local Development Corporation are not obligated to pay and shall not pay any costs in connection with assisting the respondent or the project, or incurred by any respondent at any time unless they have expressly agreed to do so in writing.